

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SALVATORE CHIMENTI,

Plaintiff,

v.

ROGER KIMBER, ET AL.,

Defendants.

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CIVIL NO. 3:CV-01-0273

(Judge Vanaskie)

MEMORANDUM

BACKGROUND

Salvatore Chimenti ("Plaintiff") filed this civil rights action pursuant to 42 U.S.C. § 1983 regarding his medical treatment while incarcerated at the State Correctional Institution, Huntingdon, Pennsylvania ("SCI-Huntingdon"). An amended complaint against the two (2) remaining Defendants – former Secretary Martin Horn of the Pennsylvania Department of Corrections ("DOC") and SCI-Huntingdon Medical Director Farrohk Mohadjerin, M.D. – was submitted on August 8, 2005.¹

By Memorandum and Order dated May 24, 2006, Plaintiff's motion (Dkt. Entry # 89) seeking appointment of counsel was conditionally granted in accordance with the Court's Pro Bono Attorney Program. Specifically, an inquiry was undertaken by the Court to determine whether any attorney would accept an appointment. Plaintiff was forewarned that if counsel

¹ On February 13, 2006, Doctor Mohadjerin's motion seeking partial dismissal of the amended complaint was granted.

could not be found to represent him, the conditional order for appointment of counsel would be revoked. In addition, the Court granted Plaintiff's motion requesting that his obligation of responding to Doctor Mohadjerin's pending discovery requests be stayed and his motion seeking a stay from filing a response to Defendant Horn's motion for summary judgment.

This Court has been advised that a volunteer attorney is not available to represent the Plaintiff in this litigation. In light of this development, this Court's May 24, 2006 Order conditionally granting appointment of counsel will be revoked. Furthermore, the stays previously granted in favor of the Plaintiff will be lifted.

Accordingly, Chimenti will be granted until December 29, 2006 in which to file responses to Doctor Mohadjerin's pending discovery requests. Furthermore, Plaintiff may file a response to Defendant Horn's summary judgment motion on or before January 19, 2007. An appropriate Order accompanies this Memorandum.

s/ Thomas I. Vanaskie

Thomas I. Vanaskie
United States District Judge

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(Judge Vanaskie)

ORDER

NOW, THIS 20th DAY OF NOVEMBER, 2006, for the reasons set forth in the foregoing

Memorandum, **IT IS HEREBY ORDERED THAT:**

1. This Court's Order of May 24, 2006 which conditionally granted Plaintiff's request for appointment of counsel is hereby revoked.
2. The Plaintiff shall provide responses to Doctor Mohadjerin's pending discovery requests on or before December 29, 2006.
3. Plaintiff shall file and serve an opposing brief to Defendant Horn's summary judgment motion on or before January 19, 2007. Failure to respond to the summary judgment motion will be deemed to signify that Plaintiff does not oppose the summary judgment motion.

s/ Thomas I. Vanaskie

Thomas I. Vanaskie
United States District Judge

